## REMARKS/ARGUMENTS

This amendment is responsive to the non-final Office Action[1] dated November 18, 2004. Claims 1-23 and 26 were presented for examination. Claims 15-20 were allowed and Applicant acknowledges, with appreciation, the Examiner's finding of allowable subject matter. Claims 1-14, 21-23, and 26 were rejected. Claims 1, 9, 15-16, 19 and 21 are amended. No new matter is added. No claims are added. No claims are canceled. Thus, claims 1-23 and 26 are pending.

The specification has been amended to correct for minor typographical errors and for minor grammatical mistakes.

In this regard, with respect to Fig. 2, Applicant had unintentionally used reference numerals in the "300" series which had been intended for usage with Fig. 3. Reference numbers used in Fig. 2 thus clashed with some of those in Fig. 3. Applicant had originally intended to use reference numerals in the "200" series for Fig. 2 but had overlooked this at time of filing. Applicant therefore makes a minor correction to the specification by changing "300" series reference numerals in Fig. 2 to the "200" series. Furthermore, Fig. 2 has been amended to reflect reference numerals in the "200" series, and an amended Fig. 2 reflecting this change in its reference numerals is filed herewith.

Also, referring to Applicant's Fig. 3B, and to page 29, lines 25-29 of Applicant's specification there is a discussion of operation proceeding "from step 362 to step 364". This

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[1] The Office Action may contain a number of statements characterizing the cited reference and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement.

was a typographical error which should have stated "from step 362 to step 374" as plainly shown in Fig. 3B. That typographical error has been corrected herein.

Furthermore, step 374 has two inputs as shown in Fig. 3B. Some of the language which appears in the specification as originally filed on page 30 lines 19-25, describing both the response of step 374 to one of those two inputs and the subsequent output from step 374 as input to step 384, was missing in the discussion on page 29. The response of block (step) 374 is the same for either of those two inputs. Therefore, that missing language after line 29 on page 29 of the specification, with respect to the other of those two inputs, has been added herewith to improve clarity of presentation. It is clear that the depicted operation of steps 372 and 374 is being described. The language added to page 29 is the same as that which originally appeared on page 30. No new matter is being added.

Certain claims were amended for clarification purposes and to improve form. Namely, claims 9, 15, 16, 19 and 21 were amended to change "computer system" to "computer".

Claims 1-8, 21-23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Harlow et al., US Patent No. 5,206,901, (hereinafter "Harlow"). Claims 9-14 are rejected under 35 U.S.C. 103(a) as being un-patentable over Harlow. Applicant respectfully traverses these rejections for the following reasons.

Harlow does not disclose or suggest Applicant's amended claims. Consider, for example, amended claim 1:

> A call processing method utilizing a telephone network, comprising the steps of: operating a telephone switch to detect receipt of an incoming telephone call on a subscriber telephone line; in response to detecting an incoming telephone call on the subscriber telephone line, operating the telephone switch to transmit a message to a service control point indicating receipt of a call on the subscriber telephone line; operating the service control point to transmit a message to a first computer in

response to the message transmitted by said telephone switch; and operating the first computer to select a first party to service the incoming call, wherein the first computer is a network server serving the telephone network without being dedicated to solely serving any party placing or receiving a telephone call over the telephone network. (Emphasis added).

Harlow does not disclose or suggest at least: "wherein the first computer is a network server serving the telephone network without being dedicated to solely serving any party placing or receiving a telephone call over the telephone network". However, in the Office Action, page 3, it states: "...a first computer (e.g., processor 113 that controls SSP 110)...". In other words, the Examiner equates Applicant's recited *first computer* with *processor 113* in Fig. 1 of Harlow. But, Applicant characterizes its recited first computer as a network server and Harlow's processor 113 is not a network server. Rather, processor 113 is dedicated to processing information within SSP 110 (Harlow, Fig. 1) and therefore dedicated to serving the party(s) using telephone 111 or 112. This is not what Applicant is claiming in amended claim 1.

Applicant is claiming a "network server" such as network server 35 shown in Applicant's Fig. 1. It is clear that this network server is not dedicated to solely serving a party (such as any of the parties associated with any of telephones 24, 28, 38, or 39 in Applicant's Fig. 1). Rather, network server 35 *operates within* PSTN 90 communicating with network LAN 34. Calling or called parties are on customer premises and thus *do not operate within* a PSTN. Network server 35 communicates outside of PSTN 90 only with business LAN 33. Network server 35, therefore, is not dedicated to solely serving a party

such as a called or calling party on, e.g., telephone 38.[2]

It is clear that this amendment is supported by the application as originally filed, including e.g., network server 35 in Applicant's Fig. 1 and related discussion thereof.

MPEP § 2131 indicates that to anticipate a claim the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). In this instance, each and every element of claim 1 is not to be found, either expressly or inherently described in Harlow. Harlow does not teach or suggest: "operating the first computer to select a first party to service the incoming call, wherein the first computer is a network server serving the telephone network without being dedicated to solely serving any party placing or receiving a telephone call over the telephone network", as recited in claim 1. In view of the above, it is respectfully requested that the 35 U.S.C. 102(e) rejection of claim 1 be withdrawn and the claim allowed.

Claims 2-14 are dependent, either directly or indirectly, from claim 1 and are allowable, at least for reasons based on their respective dependencies from an allowable base claim.

Independent claim 21 has been amended in the same manner as claim 1 and is allowable for the same reasons advanced with respect to claim 1. Claims 22, 23, and 26 are

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[2] However, as noted, Harlow's processor 113 is dedicated to solely serving a party(s) connected to its SSP. Although it is by no means equivalent to Applicant's network server and thus not equivalent to Applicant's first computer, and although it does not appear to be located on customer premises serving only a single party, processor 113 may have certain similarity in function to Applicant's claimed second computer which is recited, for example, in claim 2. Applicant's second computer is still different from processor 113, at least in the sense that it is located in customer premises and serves a single calling or called party. Computer 36 in customer premises 22 of Applicant's Fig. 1 is an example of Applicant's claimed "second computer".

dependent from claim 21 and are allowable, at least for reasons based on their respective

dependencies from an allowable base claim.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicant's undersigned representative by phone to discuss and hopefully resolve these issues. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

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